

REMARKS

Claim 19 has been amended to incorporate proper dependency from claim 23, thereby obviating the objection under 37 CFR 1.75 (c).

Claims 23-25 have been rejected under 35 U.S.C. 112, first paragraph,



"as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) at the time the application was filed, had possession of the claimed invention."

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It took applicants ten years of difficult contesting with the Patent Office to finally obtain on December 14, 1999, U.S. Patent No. 6,002,558 stemming from the parent application filed in 1990;-- now only to be met in this divisional application, with a very belated criticism of the sufficiency of the original disclosure!

Specifically, the Office invites attention to the phrase in claim 23 reading:

"voice-controlled switching means disposed at said steering wheel region and programmed with a plurality of pre-designated separate voice commands for the respective operation of each of said entertainment deck components and also of the cellular radio telephone, the voice-controlled switching means being responsive to the driver speaking the respective pre-designated commands live at said steering wheel region for thereupon effecting the activating of the corresponding control switch."

Applicants are at a loss to understand this very belated raising of this rejection ten years after the parent application was filed, when the adequacy of such disclosure in the original parent application (unchanged in the present divisional application and drawings) has been continuously recognized and not criticized by the Office.

In fact, the above-mentioned recently issued U.S. Patent 6,002,558, stemming from the parent application and its original specification and claims, contains claims 13 and 14 reciting this very "driver actuated switching ... effected by a driver-operated switch control located at the vehicle steering wheel structure", and "in which the driver actuated switching is effected by driver voice-command actuated switches"!

Original Fig. 2 of the parent application also appears in this patent and in the present divisional application as well, specifically labeling the option of the actuation of the recording and other deck components and of the cellular telephone radio transmitter "AT STEERING WHEEL BY VOICE"!

From the original parent application specification disclosure right up to the present divisional application, the substantially unchanged specification fully teaches to those skilled in the art these very features of applicants' original invention and such has been recognized and unchallenged by the patent examiners for ten years until the throwing up of this new roadblock.

Using references to such original specification, the concept of using a "voice switch" to control the operation of the recording is introduced at the bottom of page 10 of the specification, and is shown in Fig. 1 and in Fig. 3 at 9, where it is designated for controlling both the recording drive and the cellular telephone transmitter.

On page 16, applicants further disclose that "Again, voice switch control 9 is preferred to minimize operator or driver attention and functions". Applicants, however, go much further to aid those skilled in the art in understanding such implementation by giving specific reference to specific useful manufactured equipment components on the market: "such as the voice actuated controls described in said Minisette catalogs or in other well-known recorders of such character" (referring to the "Minisette - 15 and 20 cassette recorders described in respective catalogs 14-1027 and 14-1055A of Tandy Corporation, 1985 and 1988, respectively", on original page 10).

Further on page 16 of the original specification, applicants expand upon the features of voice-controlled switching located at the steering wheel region (as labeled at the upper left of Fig. 2 in the drawing) for all of the deck components "shown to the left in Fig. 1"; stating clearly

"the controls shown to the left in Fig. 1 may be incorporated at or within the steering wheel structure".

Applicants' specific teaching that is the subject matter of the claims in this divisional application, continues:

"and ... the control switches may be actuated by voice-commands".

The specification (page 16) then gets much more detailed as to what these commands are to be and what they are to switch control:

"control switches may be actuated by voice commands, recognized by predesignated voice command words."

The disclosure then gives specific illustrations of such voice commands and the functions they are to control:

"i.e., the driver-expressed words "RECORD" (to actuate REC and PL); "RECORD AND TRANSMIT" (to actuate REC-TX): etc., or coded words or numbers, now fully implementable by well-known technology".

This demonstrates unequivocally that, from the time of the original parent specification to the present divisional application, applicants were certainly in full "possession of the claimed invention" set forth in the claims (claim 23, for example, as above) of

"voice-controlled switching means disposed at said steering wheel region and programmed with a plurality of pre-designated separate voice commands for the respective operation of each of said entertainment deck components and also of the cellular radio telephone"; the voice-controlled switching means being responsive to the driver speaking the respective pre-designated commands live at said steering wheel region for thereupon effecting the activating of the corresponding control switch."

It should further be noted that the claim uses the precise words of the original specification: "programmed" (page 14, line 8); "voice switch control" (page 16, lines 3, 4); "control switches may be actuated by voice commands" (page 16, line 15); "at... the steering wheel" (page 16, line 14); "predesignated voice command words" (page 16, line 16), "voice on/off switching" (original claim 2 of parent application); "switching being pre-programmed to enable driver pre-selected option functions" (original claim 3 of parent application); "(Activate) At steering wheel by voice" (legend at upper left of original Fig. 2 in drawings).

Applicants, therefore, respectfully request the prompt withdrawal of what has above been demonstrated to be this improper ground of rejection.

While it has been shown that the drawings do contain specific disclosure of the claimed operation, in the event applicants may not fully understand the thrust of the objection under 37 CFR 1.83 (a) to the drawings, applicants would respectfully inquire whether the Office would desire the present legend at the upper left of Fig. 2 ("AT STEERING WHEEL BY VOICE") to be amended to add: "WITH PRE-DESIGNATED DRIVER COMMANDS". Should, however, the Office persist in this objection, applicants would respectfully request explanation and assistance.

As for the rejection of claims 14, 16-20 and 22-27 under 35 U.S.C. 112, second paragraph, as indefinite, applicants have incorporated the required amendments into these claims to overcome the criticized indefiniteness.

Applicants turn, lastly, to the 35 U.S.C. 103 further rejection of claims 14, 16-20 and 22-27 as the "obvious" incorporation into the system of the Japanese patent to Sano et al of the voice-controlled switching mechanism of the patent to Sato et al.

What The Japanese Patent To Sano
Actually Discloses and What It Does
Not Teach And Cannot Do

The purpose of the patent to Sano is to answer an incoming call on a mobile telephone set in an automobile when the driver is unable to talk, with a pre-recorded voice message. This is effected by pressing a button on the steering wheel which, in the words of the English description, activates "a tape recorder or the like, which sends recorded (voice) messages... via the controller 3... to the opposite party" informing the caller, for example, that the driver is "too busy to answer", etc. and that the caller should "leave your message on this recorder".

At most, this only teaches the answering of the car telephone with a pre-recorded message initiated by a steering wheel button.

It has nothing whatever to do with applicants' concept of the driver speaking pre-designated commands that control the cellular telephone switching.

This disclosure, indeed, also has nothing whatever to do with applicants' specific problem and solution of enabling the driver, at the steering wheel region

itself, to give such live speech commands to a voice-responsive switch thereat that will automatically activate the driver's car phone, both to call and to respond to a call just by live speaking, as described, for example, on page 16 and elsewhere in applicants' specification. This not only achieves the applicants' novel result of enabling the driver to engage in a live telephone connection and exchange, without the distraction of hand operations, but provides the further novel flexibility, also outside the scope of Sano, to remotely actuate the vehicle entertainment deck for any or all of its radio program reception and/or recording and player functions, and again by respective live voice commands by the driver.

The Office concedes that "Sano is silent as to voice controlled switching".

While, as the Office states, "Fig. 3 (shows) a driver operated vehicle with an entertainment deck", the patent neither discloses any switching, remote or otherwise, of the entertainment deck or has anything whatsoever to do with such, and certainly is totally silent on any voice controlled switching of the entertainment deck.

What The Patent To Sato et al Actually Discloses
And What It Does Not Teach And Cannot Do

As for the patent to Sato et al., this deals with "a voice-operated starter (circuit) for... automatic starting of the tape recorder from a remote location" (col. 1, lines 37, on).

The implementation involves voice-modulating an FM wireless transmission, receiving that transmission in a FM tuner 29, demodulating the voice signal therefrom, and feeding the demodulated signal "to the voice-operated starter circuit (2)... to start the operation of the tape recorder... thus allowing a voice input to the microphone assembly 30 to be recorded on tape 42" (col. 7, line 13, on) of "a miniature size cassette tape recorder" (col. 1, line 55).

From a broad viewpoint, therefore, the Office is correct that this involves "a voice-controlled switching mechanism" (page 4).

But the Office, however, is totally incorrect in interpreting that

"Sato et al shows in Fig. 1 an entertainment deck including storage medium player and an AM/FM radio-receiver".

The patent to Sato et al has in fact absolutely nothing whatever to do with any AM/FM radio receiver, any entertainment deck system, and certainly not a vehicle entertainment deck system; nor is it concerned with drivers of vehicles, as such -- dealing only generically with portable "miniature size cassette tape recorder(s)" that are started by an FM wireless signal demodulated as a voice signal.

This has absolutely nothing to do with applicants' driver live voice commands to actuate respective different components of vehicle entertainment decks and a cellular phone.

There is also not one word, let alone even a hint or suggestion, in the patent that any concepts or teaching therein were directed to, or useful in, the solution of applicants' problem of providing diversionless driving in a vehicle. The problem underlying the Sato et al patent, to the contrary, was the very different problem of preventing "interference" (col. 5, line 4, col. 7, line 7) by unwanted voice signals during broadcasting through use of the intermediary of the FM transmission of the modulated desired voice signal for starting the recorder.

This is clearly unrelated to applicants' novel approach wherein drivers give direct and live voice switching commands right at the steering wheel region of vehicles to actuate respective multiple components of a vehicle entertainment deck and also a cellular telephone, selectively.

Even if, moreover, the full circuit of Sato et al were to be somehow incorporated into the system of Sano et al, the use of the voice-controlled switching mechanism of Sato et al would hardly accomplish in the system of Sano et al, the kind of voice-controlled switching required by applicants' claims; namely,

voice-controlled switching means disposed at said steering wheel region and programmed with a plurality of pre-designated separate voice commands for the respective operation of each of said entertainment deck components and also of the cellular radio telephone; the voice-controlled switching means being responsive to the driver speaking the respective pre-designated commands live at said steering wheel region for thereupon effecting the activating of the corresponding control switch.

The remaining claims above discussed similarly clearly distinguish from any possible combination of the reference teachings in the very same particulars.

Reconsideration and allowance are thus believed to be in order and are respectfully requested.

Any costs, including for extensions of time required herein, petition for which is hereby made, are to be charged to Deposit Account No. 18-1425 of the undersigned attorney.

Respectfully submitted,

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